

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKIN RE WHOLE FOODS MARKET
GROUP, INC. OVERCHARGING
LITIGATION

Civil Action No. 1:15-cv-5838 (PAE)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/27/18ORDER

This matter came on for consideration at the pre-motion conference held on November 21, 2018 regarding Defendant Whole Foods Market Group, Inc.'s anticipated motion for summary judgment. The Court finds that testimony regarding the inspections conducted in 2014-2015 by the New York City Department of Consumer Affairs ("DCA") at certain Whole Foods stores in which the DCA reported weight discrepancies on certain lots of chocolate cupcakes and cheese may bear upon the determination of the motion. The Court is advised that the applicable inspections were conducted by the following DCA inspectors: E. Moriarty, C. Sykes, O. Ayodee, and H. Nasralla (collectively, the "Applicable Inspectors"). Accordingly,

IT IS HEREBY ORDERED that the parties shall take such depositions as they deem necessary of the Applicable Inspectors by December 21, 2018; and

IT IS FURTHER ORDERED that DCA shall make the Applicable Inspectors available for deposition during that period.

SIGNED this 27th day of November, 2018.



HONORABLE JUDGE PAUL A. ENGELMAYER